

AO 243 (Rev. 5/85) MOTION UNDER 28 USC § 2255 TO VACATE, SET ASIDE, OR CORRECT
SDNY Web 5/99 SENTENCE BY A PERSON IN FEDERAL CUSTODY

United States District Court		District Middle District of Alabama Southern Division	
Name of Movant Mathew Okonkwo		Prisoner No. 11926-002	Case No. 1:06cr101-MHT
Place of Confinement McRAE Correctional Facility			
<div style="display: flex; justify-content: space-between;"> UNITED STATES OF AMERICA V. Matthew Okonkwo </div> <p style="text-align: right; margin-top: 5px;">(name under which convicted)</p>			
MOTION			
1. Name and location of court which entered the judgment of conviction under attack <u>District Court of the United States for the Middle District of Alabama, Southern Division</u>			
2. Date of judgment of conviction <u>January 18, 2007</u>			
3. Length of sentence <u>24 Months</u>			
4. Nature of offense involved (all counts) <u>Count 1: Conspiracy to file false Income Tax Returns.</u>			
<u>Count 2-12: Aiding and abetting to receive false Income Tax Refund.</u>			
5. What was your plea? (Check one)			
(a) Not guilty <input checked="" type="checkbox"/>			
(b) Guilty <input type="checkbox"/>			
(c) Nolo contendere <input type="checkbox"/>			
If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details:			
N/A			
6. If you pleaded not guilty, what kind of trial did you have? (Check one)			
(a) Jury <input checked="" type="checkbox"/>			
(b) Judge only <input type="checkbox"/>			
7. Did you testify at the trial?			
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
8. Did you appeal from the judgment of conviction?			
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			

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9. If you did appeal, answer the following:

(a) Name of court Eleventh Circuit

(b) Result Affirmed

(c) Date of result August 15, 2007

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any federal court?

Yes ☒ No ☐

11. If your answer to 10 was "yes," give the following information:

(a) (1) Name of court District Court of the United States Southern Division

(2) Nature of proceeding No proceeding

(3) Grounds raised Demanded for retrial because of Ineffective Assistance of Counsel

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☒

(5) Result Motion Denied

(6) Date of result April 2007

(b) As to any second petition, application or motion give the same information:

(1) Name of court N/A

(2) Nature of proceeding _____

(3) Grounds raised _____

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impanelled.
- (i) Denial of effective assistance of counsel.
- (j) Denial of right of appeal.

A. Ground one: Trial counsel's inadequate pretrial investigations constituted ineffective assistant of counsel.

Supporting FACTS (state *briefly* without citing cases or law) Trial counsel's failure to conduct adequate pretrial investigations into prosecution's case was ineffective because it could have produced pivotal witness. Greiner v. Wells, 417 F.3d 305, 319 (2d Cir. 2005). As records would show, trial counsel failed to investigate and present witnesses during trials. Appeal Court held that counsel's failure to investigate a possible defense case was ineffective. Marshall v. Cathel. 428 F.3d

B. Ground two: Whether trial counsel's failure to investigate and present mitigating factors during sentencing, constitute ineffective assistance of counsel.

Supporting FACTS (state *briefly* without citing cases or law) Trial counsel's failure to investigate and present mitigating factors at sentencing, further heightens his ineffective assistant of counsel. Again as record would show counsel failed to present any character witnesses and does not know the provisions of § 3553 that could have warranted the Court to downwardly depart during sentencing. Defendant is a Pastor of Church of Healing, and through his ministries have fed, cloth, and provide IRS, Special Agent Larry Ellis, lied under OATHS before U.S. District

C. Ground three: Court Judge, in May 14 2001; and again before Grand Jury in about January 2006.

Supporting FACTS (state *briefly* without citing cases or law) Had counsel investigated prosecution's case, he would have discovered that Larry Ellis obtained search warrant in 2001 with false statements. And in 2006 the false statement was made before Grand Jury that the petitioner was arrested in Brusell Belgium in drug trafficking and that drug was bound to United States, and that Petitioner was barred from entering United States forever. These statements are untrue, the reason for this damaging lies was only to make petitioner look back bad so that he will look good...good agent. The petitioner never left United States since 1985 and is not drug dealer.

Please see Annexed Supporting Memorandum Of Law

- D. Ground four: The Statute of Limitations for filling false income tax refund expired prior to indictment of April 2006.

Supporting FACTS (state *briefly* without citing cases or law) : Had trial counsel conducted adequate pretrial investigations, he would have discovered that Statute of Limitations for filling false income tax refund of 1999 tax year expired in 2005.

Statutory provisions state that "No person shall be prosecuted, or punished for any of the various offenses arising under the internal revenue laws..."

Trial counsel did not even know the lines of business operations of Eagle Financial Services, such as income tax return preparations, electronic filling, and check cashing. He has no idea of number of employees due to no pretrial investigations. Please see Annexed Supporting Memorandum Of Law

13. If any of the grounds listed in 12A, B, C, and D were not previously presented, state briefly what grounds were not so presented, and give your reasons for not presenting them:

All of the grounds listed in 12A B, C, and D were not presented during Appeal dut to Ineffective Assistant of Appellate Counsel. Appellate counsel says petitioner has no right because he is under deportation and thus filed brief without the knowledge of the petitioner, contrary to our discussions and agreement.

14. Do you have any petition or appeal now pending in any court as to the judgment under attack?

Yes ☐ No ☒

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

(a) At preliminary hearing _____

(b) At arraignment and plea _____

(c) At trial _____
BEN E. BRUNER, 505 S. PERRY STREET, P. O. BOX 231419, MONTGOMERY, ALABAMA 36123.

(d) At sentencing _____
BEN E. BRUNER.

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(e) On appeal RUSSELL T. DURASKI, 6332 Woodmere Boulevard, Montgomery, Alabama 36117

(f) In any post-conviction proceeding _____

(g) On appeal from any adverse ruling in a post-conviction proceeding _____

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at approximately the same time?

Yes ☒ No ☐

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes ☐ No ☐(a) If so, give name and location of court which imposed sentence to be served in the future: N/A(b) Give date and length of the above sentence: N/A

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes ☐ No ☒

Wherefore, movant prays that the Court grant him all relief to which he may be entitled in this proceeding.


N/A

Signature of Attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

November 25, 2007

(date)



Signature of Movant

Matthew Okonko
11926002,
P. O. Box 30,
McRae, GA 31055.



Office of the Clerk,
United States District Court,
P. O. Box 711,
Montgomery, AL 36101-0711.

CLOSED, MHT-ClerkC

U.S. District Court
Alabama Middle District (Dothan)
CRIMINAL DOCKET FOR CASE #: 1:06-cr-00101-MHT-CSC-1
Internal Use Only

1:07CV1062-MHT

Case title: USA v. Okonkwo et al

Date Filed: 04/05/2006

Date Terminated: 01/23/2007

Assigned to: Honorable Myron H.
Thompson

Referred to: Honorable Charles S.
Coody

Appeals court case number:
'07-10451-H' 'USCA'

Defendant

Matthew Okonkwo (1)
TERMINATED: 01/23/2007

represented by **Federal Defender**

Federal Defenders
Middle District of Alabama
201 Monroe Street, Suite 1960
Montgomery, AL 36104
334-834-2099
Fax: 834-0353
Email: ECFCMALM@fd.org
TERMINATED: 05/01/2006
LEAD ATTORNEY
Designation: Public Defender or
Community Defender Appointment

Barry Elvin Teague
138 Adams Avenue
P. O. Box 586
Montgomery, AL 36101
(334) 834-4500
Fax: 834-4501
Email: beteague36@aol.com
TERMINATED: 05/11/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Ben E. Bruner

Ben E Bruner, Attorney at Law
505 South Perry Street
Montgomery, AL 36104
334-323-4462
Fax: 334-323-4463
Email: wreglelaw@aol.com
TERMINATED: 03/05/2007
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Daniel Gary Hamm
Daniel G. Hamm, Attorney at Law
560 South McDonough Street, Suite A
Montgomery, AL 36104
334-269-0269
Fax: 334-323-5666
Email: dhamm@dghlegal.com
TERMINATED: 06/01/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Michael J. Petersen
Federal Defenders
Middle District of Alabama
201 Monroe Street, Suite 407
Montgomery, AL 36104
334-834-2099
Fax: 334-834-0353
Email: michael_petersen@fd.org
TERMINATED: 05/01/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Richard Kelly Keith
Richard K Keith, Esq.
22 Scott Street
Montgomery, AL 36104
334-264-6776
Fax: 334-265-5362
Email: rkk@rkeithlaw.com
TERMINATED: 07/05/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Russell Turner Duraski
6332 Woodmere Boulevard
Montgomery, AL 36117
334-260-9733
Fax: 334-260-9735
Email: duraskilaw@charter.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

18:371.F-CONSPIRACY TO
DEFRAUD THE UNITED STATES;
NMT \$250,000 [*]; NMT 5Y, B, NMT
3Y SUP REL; G-LINES; VWPA; \$100
AF

(1)

26:7206A.F and 18:2-FRAUD AND
FALSE STATEMENTS/AIDING and
ABEDDING - NMT \$250,000 [*];
NMT 3Y, B, NMT 3Y SUP REL;
G-Lines; VWPA; \$100AF

(2-12)

Disposition

24 Mos Imp (conc w/Cts 2-12); 3 Yrs
Sup Rel (conc w/Cts 2-12); \$100 SA;
\$56,003.00 Rest (total)

24 Mos Imp (conc w/Ct 1); 1 Yr Sup
Rel each Ct (conc w/Ct 1); \$1,100.00
SA; \$56,003.00 (total)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition












Plaintiff

USA

represented by **Andrew O. Schiff**
United States Attorney's Office - ALM
Middle District of Alabama
PO Box 197

Montgomery, AL 36101-0197
334-223-7280
Fax: 334-223-7135
Email: andrew.schiff@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED











Date Filed	#	Docket Text
04/14/2006		Case unsealed as to Matthew Okonkwo pursuant to notice of arrest from USMS (snc,) (Entered: 04/14/2006)
04/14/2006	<u>5</u>	MOTION for Detention Hearing by USA as to Matthew Okonkwo. (Schiff, Andrew) (Entered: 04/14/2006)
04/14/2006		Arrest of Matthew Okonkwo (ws,) (Entered: 04/14/2006)
04/14/2006	<u>6</u>	CJA 23 Financial Affidavit by Matthew Okonkwo (ws,) (Entered: 04/14/2006)
04/14/2006		ORAL MOTION to Appoint Counsel by Matthew Okonkwo. (ws) (Entered: 04/14/2006)
04/14/2006		ORDER (ORAL) granting Oral Motion to Appoint Counsel: Appointed Federal Defender as to Matthew Okonkwo (1). Signed by Judge Charles S. Coody on 4/14/06. (ws,) (Entered: 04/14/2006)
04/14/2006	<u>7</u>	Minute Entry for proceedings held before Judge Charles S. Coody : Initial Appearance as to Matthew Okonkwo held on 4/14/2006, Arraignment as to Matthew Okonkwo (1) Counts 1,2-12 held on 4/14/2006, Pea entered by Matthew Okonkwo (1) Not Guilty on counts 1, 2-12 of the Indictment. (Recording Time FTR: 3:18 - 3:34.) (ws,) (Entered: 04/14/2006)
04/14/2006	<u>8</u>	WAIVER of Speedy Trial by Matthew Okonkwo (ws,) (Entered: 04/14/2006)
04/14/2006	<u>11</u>	Arrest Warrant Returned Executed in case as to Matthew Okonkwo. Defendant arrested on 4/13/06. (snc) (Entered: 04/17/2006)
04/17/2006	<u>9</u>	Order of Temporary Detention Pending Hearing as to Matthew Okonkwo : Detention Hearing set for 4/17/2006 03:00 PM in Courtroom 4B before Honorable Charles S. Coody. Pending this hearing, the defendant shall be held in custody by the U.S. Marshal and produced for the hearing. Signed by Judge Charles S. Coody on 4/17/06. (ws) (Entered: 04/17/2006)
04/17/2006	<u>10</u>	Minute Entry for proceedings held before Judge Charles S. Coody :Detention Hearing as to Matthew Okonkwo held on 4/17/2006 (Recording Time FTR: 3:14 - 3:23.) (Attachments: # <u>1</u> Witness List) (ws) (Entered: 04/17/2006)
04/17/2006	<u>12</u>	ORDER ON ARRAIGNMENT, incorporating ORDER TO CONTINUE - Ends of Justice as to Matthew Okonkwo, setting Pretrial Conference for











		6/2/2006 01:00 PM in Courtroom 4B before Honorable Charles S. Coody, setting Jury Trial for 8/7/2006 before Honorable Myron H. Thompson, directing that Pretrial Motions are due two days before pretrial conference, and directing that government's disclosure is due by 4/19/06, with defendant's discovery due by 4/26/2006. Signed by Judge Charles S. Coody on 4/17/06. (snc) (Entered: 04/17/2006)
04/17/2006		(Court only) ***Motions terminated as to Matthew Okonkwo: <u>5</u> MOTION for Detention Hearing filed by USA,. (ws,) (Entered: 04/25/2006)
04/18/2006	 <u>13</u>	ORDER OF DETENTION as to Matthew Okonkwo committing the defendant to the custody fo the AG. Signed by Judge Charles S. Coody on 4/18/06. (snc) (Entered: 04/18/2006)
04/19/2006	 <u>14</u>	NOTICE OF ATTORNEY APPEARANCE: Michael J. Petersen appearing for Matthew Okonkwo (Petersen, Michael) (Entered: 04/19/2006)
04/27/2006	 <u>15</u>	MOTION to Withdraw as Attorney <i>and For Appointment of CJA Panel Attorney</i> by Michael J. Petersen. by Matthew Okonkwo. (Petersen, Michael) (Entered: 04/27/2006)
05/01/2006		Attorney update in case as to Matthew Okonkwo. Attorney Barry Elvin Teague for Matthew Okonkwo added. Attorney Federal Defender and Michael J. Petersen terminated. (ag,) (Entered: 05/02/2006)
05/02/2006	 <u>16</u>	ORDER granting <u>15</u> Motion to Withdraw as Attorney. Federal Defender & Michael Peterson withdrawn as to Matthew Okonkwo (1) :Barry Teague added. Signed by Judge Charles S. Coody on 5/1/2006. (ag,) (Entered: 05/02/2006)
05/04/2006	 <u>17</u>	MOTION to Withdraw as Attorney by Barry Teague as to Matthew Okonkwo. (ag,) (Entered: 05/05/2006)
05/11/2006	 <u>18</u>	NOTICE OF ATTORNEY APPEARANCE: Daniel Gary Hamm appearing for Matthew Okonkwo (Hamm, Daniel) (Entered: 05/11/2006)
05/11/2006	 <u>19</u>	ORDER granting <u>17</u> Motion to Withdraw as Attorney as to Matthew Okonkwo (1) ; that Daniel Hamm be and is hereby appointed to represent the defendant for all further proceedings. Signed by Judge Charles S. Coody on 5/11/2006. (ag,) Modified on 5/11/2006 to correct judge (ag,). (Entered: 05/11/2006)
05/11/2006		Attorney update in case as to Matthew Okonkwo. Attorney Barry Elvin Teague terminated pursuant to Order <u>19</u> . (ag,) (Entered: 05/11/2006)
05/11/2006		NOTICE of Correction re <u>19</u> Order on Motion to Withdraw as Attorney to correct signature judge to Judge Charles S. Coody in lieu of Judge Myron H. Thompson. (ag,) (Entered: 05/11/2006)
05/26/2006	 <u>20</u>	MOTION to Withdraw as Attorney by Daniel G. Hamm. by Matthew Okonkwo. (Hamm, Daniel) (Entered: 05/26/2006)

05/30/2006	<u>21</u>	MOTION to Continue <i>Pretrial Conference</i> by USA as to Matthew Okonkwo. (Schiff, Andrew) (Entered: 05/30/2006)
06/01/2006	<u>22</u>	ORDER as to Matthew Okonkwo granting <u>21</u> MOTION to Continue Pretrial Conference ; Incorporating ORDER APPOINTING PANEL ATTORNEY Richard Kelly Keith for Matthew Okonkwo ; granting <u>20</u> MOTION to Withdraw as Attorney by Daniel G. Hamm ; Pretrial Conference currently set for 6/2/06 is CONTINUED to 6/8/2006 01:00 PM in Courtroom 4B before Honorable Charles S. Coody. Signed by Judge Charles S. Coody on 6/1/2006. (ag,) (Entered: 06/01/2006)
06/01/2006		Attorney update in case as to Matthew Okonkwo. Attorney Daniel Gary Hamm terminated pursuant to order <u>22</u> . (ag,) (Entered: 06/01/2006)
06/07/2006	<u>23</u>	NOTICE OF ATTORNEY APPEARANCE: Richard Kelly Keith appearing for Matthew Okonkwo (Keith, Richard) (Entered: 06/07/2006)
06/08/2006	<u>24</u>	Minute Entry for proceedings held before Judge Charles S. Coody :Pretrial Conference as to Matthew Okonkwo held on 6/8/2006 (Recording Time FTR: 12:59 - 1:01) (ws) (Entered: 06/08/2006)
06/08/2006	<u>25</u>	PRETRIAL CONFERENCE ORDER as to Matthew Okonkwo setting Jury Selection and Jury Trial (ETT 3 days) for 8/7/2006 10:00 AM in Courtroom 2FMJ before Honorable Myron H. Thompson ; Voir Dire due by 7/31/2006 ; Proposed Jury Instructions due by 7/31/2006 ; Motions in Limine due by 7/31/2006 ; Notice of Intent to Change Plea due by noon on 7/26/2006. Signed by Judge Charles S. Coody on 6/8/2006. (ag,) (Entered: 06/08/2006)
06/29/2006	<u>26</u>	NOTICE OF ATTORNEY APPEARANCE: Ben E. Bruner appearing for Matthew Okonkwo (ag,) (Entered: 06/29/2006)
06/30/2006	<u>27</u>	MOTION to Withdraw as Attorney by Richard K. Keith. by Matthew Okonkwo. (Keith, Richard) (Entered: 06/30/2006)
07/05/2006	<u>28</u>	ORDER granting <u>27</u> Motion to Withdraw as Attorney as to Matthew Okonkwo (1). Signed by Judge Charles S. Coody on 7/5/2006. (ag,) (Entered: 07/05/2006)
07/05/2006		Attorney update in case as to Matthew Okonkwo. Attorney Richard Kelly Keith terminated pursuant to <u>28</u> Order. (ag,) (Entered: 07/05/2006)
07/12/2006	<u>29</u>	CJA 20 as to Matthew Okonkwo: Appointment of Attorney Barry Elvin Teague for Matthew Okonkwo . Signed by Judge Charles S. Coody on 5/1/2006. (ag,) (Entered: 07/12/2006)
07/12/2006	<u>30</u>	CJA 20 as to Matthew Okonkwo: Appointment of Attorney Daniel Gary Hamm for Matthew Okonkwo. . Signed by Judge Charles S. Coody on 5/11/2006. (ag,) (Entered: 07/12/2006)
07/17/2006	<u>31</u>	MOTION to Continue by Matthew Okonkwo. (ag,) (Entered: 07/18/2006)






07/17/2006	<u>32</u>	WAIVER of Speedy Trial by Matthew Okonkwo. (ag,) (Entered: 07/18/2006)
07/19/2006	<u>33</u>	NOTICE to RETAINED ATTORNEY sent to Ben Bruner as to Matthew Okonkwo. (ag,) (Entered: 07/19/2006)
07/25/2006	<u>34</u>	ORDER as to Matthew Okonkwo granting <u>31</u> MOTION to Continue and resetting Jury Selection & Trial now set for 8/7/06 to 11/6/2006 @ 10:00 AM in Courtroom 2FMJ before Honorable Myron H. Thompson. Signed by Judge Myron H. Thompson on 7/25/2006. (ag,) (Entered: 07/25/2006)
07/25/2006		(Court only) ***Excludable XT started/stopped as to Matthew Okonkwo pursuant to dn [334] (snc) (Entered: 08/18/2006)
07/26/2006		(Court only) ***Excludable(s) stopped DN #5, #20 and #21 as to Matthew Okonkwo (ag,) (Entered: 07/26/2006)
07/27/2006	<u>35</u>	CJA 20 as to Matthew Okonkwo: Appointment of Attorney Richard Kelly Keith as of 6/1/06 for Matthew Okonkwo. . Signed by Judge Charles S. Coody on 6/1/06. (snc) (Entered: 07/27/2006)
08/15/2006	<u>36</u>	ORDER as to Matthew Okonkwo resetting Jury Selection/Trial now set for 11/6/06 to 10/30/2006 @ 10:00 AM in Courtroom 2FMJ before Honorable Myron H. Thompson. Signed by Judge Myron H. Thompson on 8/15/2006. (ag,) (Entered: 08/15/2006)
09/05/2006	<u>37</u>	CJA 20 as to Matthew Okonkwo: Authorization to Pay Daniel Hamm. Amount: \$ 1,232.34, Voucher # 060814000034. Signed by Judge Myron H. Thompson on 8/16/06. (ws) (Entered: 09/05/2006)
09/05/2006	<u>38</u>	CJA 20 as to Matthew Okonkwo: Authorization to Pay Richard K. Keith. Amount: \$ 1,446.05, Voucher # 060814000037. Signed by Judge Myron H. Thompson on 8/16/06. (ws,) (Entered: 09/05/2006)
10/17/2006	<u>39</u>	Proposed Jury Instructions by USA as to Matthew Okonkwo (Schiff, Andrew) (Entered: 10/17/2006)
10/17/2006	<u>40</u>	Proposed Voir Dire by USA as to Matthew Okonkwo (Schiff, Andrew) (Entered: 10/17/2006)
10/23/2006	<u>41</u>	NOTICE of Availability of Jury List and Juror Profiles for October 30, 2006, Criminal Jury Term before Judge Myron H. Thompson, together with Clothing Notice as to Matthew Okonkwo. (ag,) (Entered: 10/23/2006)
10/30/2006	<u>42</u>	VOIR DIRE HELD before Judge Myron H. Thompson as to Matthew Okonkwo (1) on Cts 1, 2-12 (Court Reporter Mitchell Reisner.) (ag,) (Entered: 10/30/2006)
10/30/2006	<u>43</u>	JURY SELECTION held before Judge Myron H. Thompson as to Matthew Okonkwo on 10/30/2006 (see final trial entry for pdf) (Court Reporter Mitchell Reisner.) (ag,) (Entered: 10/30/2006)

10/31/2006	●	Minute Entry for Jury Trial begun before Judge Myron H. Thompson as to Matthew Okonkwo on 10/31/2006 (no pdf, see final minute entry) (Court Reporter Mitchell Reisner.) (ag,) (Entered: 11/02/2006)
11/01/2006	● <u>42</u>	Proposed Jury Instructions by USA as to Matthew Okonkwo (Schiff, Andrew) (Entered: 11/01/2006)
11/01/2006	● <u>43</u>	Minute Entry for Jury Trial held before Judge Myron H. Thompson as to Matthew Okonkwo on 11/1/2006 (Court Reporter Mitchell Reisner.) (Attachments: # <u>1</u> Government's Witness List# <u>2</u> Government's Exhibit List) (ag,) Modified on 11/3/2006 (ag,). (GOVERNMENT'S EXHIBITS SEALED PER <u>48</u> ORDER) (Entered: 11/02/2006)
11/01/2006	●	Oral MOTION for Judgment of Acquittal by Matthew Okonkwo. (ag,) (Entered: 11/02/2006)
11/01/2006	●	ORAL ORDER as to Matthew Okonkwo denying Oral MOTION for Acquittal . Entered by Judge Myron H. Thompson on 11/1/2006. (ag,) (Entered: 11/02/2006)
11/01/2006	●	Renewed Oral MOTION for Judgment of Acquittal by Matthew Okonkwo. (ag,) (Entered: 11/02/2006)
11/01/2006	●	ORAL ORDER denying Renewed Oral MOTION for Judgment of Acquittal filed by Matthew Okonkwo . Signed by Judge Myron H. Thompson on 11/1/2006. (ag,) (Entered: 11/02/2006)
11/01/2006	● <u>45</u>	Court's Jury Charge as to Matthew Okonkwo (ag,) (Entered: 11/02/2006)
11/01/2006	● <u>46</u>	JURY VERDICT as to Matthew Okonkwo (1) Guilty on Count 1,2-12. (ag,) (Entered: 11/02/2006)
11/02/2006	● <u>44</u>	MOTION to Seal <i>Trial Exhibits</i> by USA as to Matthew Okonkwo. (Schiff, Andrew) (Entered: 11/02/2006)
11/02/2006	● <u>47</u>	ORDER as to Matthew Okonkwo setting Sentencing for 1/18/2007 @ 10:00 AM in Courtroom 2FMJ before Honorable Myron H. Thompson, directing that counsel shall communicate in writing to the PO any objections to the PSR by 12/28/06, directing parties to be available for a conference with the PO on 1/4/07 at 9:30 a.m., as outlined in order, and directing that any motion for downward departure must be filed before the conference. Signed by Judge Myron H. Thompson on 11/2/2006. (ag,) (Entered: 11/02/2006)
11/03/2006	● <u>48</u>	ORDER granting <u>44</u> Motion to Seal as to Matthew Okonkwo (1). Signed by Judge Myron H. Thompson on 11/3/2006. (ag,) (Entered: 11/03/2006)
01/17/2007	● <u>49</u>	NOTICE OF HEARING as to Matthew Okonkwo resetting Sentencing now set for 1/18/2007 @ 10:00 AM to 1/18/07 @ 02:00 PM in Courtroom 2FMJ before Honorable Myron H. Thompson. (ag,) (Entered: 01/17/2007)

01/18/2007		ORAL MOTION to Reconsider Sentence by Matthew Okonkwo. (ag,) (Entered: 01/18/2007)
01/18/2007		ORAL ORDER denying ORAL MOTION to Reconsider Sentence filed by Matthew Okonkwo . Entered by Judge Myron H. Thompson on 1/18/2007. (ag,) (Entered: 01/18/2007)
01/18/2007	 <u>50</u>	Minute Entry for Sentencing held before Judge Myron H. Thompson on 1/18/2007 as to Matthew Okonkwo. (Court Reporter Mitchell Reisner.) (ag,) (Entered: 01/18/2007)
01/23/2007	 <u>51</u>	JUDGMENT as to Matthew Okonkwo (1), Count(s) 1, 24 Mos Imp (conc w/Cts 2-12); 3 Yrs Sup Rel (conc w/Cts 2-12); \$100 SA; \$56,003.00 Rest (total); Count(s) 2-12, 24 Mos Imp (conc w/Ct 1); 1 Yr Sup Rel each Ct (conc w/Ct 1); \$1,100.00 SA; \$56,003.00 (total) . Signed by Judge Myron H. Thompson on 1/23/2007. (ag,) (Entered: 01/23/2007)
01/23/2007		(Court only) ***Set/Clear Flags as to Matthew Okonkwo (ag,) (Entered: 02/05/2007)
01/23/2007		(Court only) ***Case Terminated as to Matthew Okonkwo, ***Terminated defendant Matthew Okonkwo. (ag,) (Entered: 06/18/2007)
01/26/2007	 <u>52</u>	NOTICE OF APPEAL by Matthew Okonkwo to the United States Court of Appeals for the Eleventh Circuit from the <u>51</u> Judgment, entered in this case. Copies mailed. (ydw,) (Entered: 01/30/2007)
01/30/2007		Transmission of Notice of Appeal and Certified copy of Docket Sheet and Order as to Matthew Okonkwo to US Court of Appeals re <u>52</u> Notice of Appeal - Final Judgment (ydw,) (Entered: 01/30/2007)
02/06/2007	 <u>53</u>	AMENDED JUDGMENT as to Matthew Okonkwo (1), Count(s) 1, 24 Mos Imp (conc w/Cts 2-12); 3 Yrs Sup Rel (conc w/Cts 2-12); \$100 SA; \$56,003.00 Rest (total); Count(s) 2-12, 24 Mos Imp (conc w/Ct 1); 1 Yr Sup Rel each Ct (conc w/Ct 1); \$1,100.00 SA; \$56,003.00 (total) . Signed by Judge Myron H. Thompson on 2/6/2007. (ag,) (Entered: 02/06/2007)
02/06/2007		USCA Case Number as to Matthew Okonkwo 07-10451-H for <u>52</u> Notice of Appeal - Final Judgment filed by Matthew Okonkwo. (ydw,) (Entered: 02/07/2007)
02/07/2007	 <u>54</u>	RECEIVED TRANSCRIPT REQUEST re <u>52</u> Notice of Appeal from pro se appellant Matthew Okonkwo, with following notation: "I Am Ordering A Transcript Of The Following Proceeding" Pre-Trial proceedings held 4/17/06, 6/8/06, before Mag. Judge Coody, Trial proceeding held on 11/1-2/06 and Sentencing held 1/18/07, before Judge Myron H. Thompson, Mitchell Reisner C/R. Courtesy copy to MR/CR (ydw,) (Entered: 02/09/2007)
02/21/2007	 <u>55</u>	(PRO-SE) MOTION for Transcript and Payment be made through the Criminal Justice Acts and MOTION to Appoint Counsel by Matthew

		Okonkwo. (ag,) (Entered: 02/21/2007)
02/22/2007	 <u>56</u>	MOTION to Withdraw as Counsel by Matthew Okonkwo. (ag,) Additional attachment(s) added on 3/5/2007 (ag,). (Entered: 02/23/2007)
03/01/2007	 <u>57</u>	ORDER as to Matthew Okonkwo setting Motion Hearing re <u>55</u> MOTION to Appoint Counsel and MOTION for Transcript filed by Matthew Okonkwo for 3/5/2007 08:30 AM in Courtroom 2FMJ before Honorable Myron H. Thompson, directing that defendant Matthew Okonkwo and his current attorney are to be present. Signed by Judge Myron H. Thompson on 3/1/2007. (ag,) (Entered: 03/01/2007)
03/02/2007	 <u>58</u>	NOTICE OF HEARING as to Matthew Okonkwo, resetting Motions Hearing re <u>56</u> Motion to Withdraw & <u>55</u> Motion for Appointment of New Attorney and Transcripts now set for 3/5/2007 at 8:30 AM to 3/5/07 at 11:30 AM in Courtroom 2FMJ before Honorable Myron H. Thompson. (ag,) (Entered: 03/02/2007)
03/05/2007	 <u>59</u>	Minute Entry for Motion Hearing re <u>55</u> MOTION to Appoint Counsel and MOTION for Transcript filed by Matthew Okonkwo and <u>56</u> MOTION to Withdraw as Attorney by Ben E. Bruner as to Matthew Okonkwo held before Judge Myron H. Thompson on 3/5/2007. (Court Reporter Mitchell Reisner.) (ag,) (Entered: 03/05/2007)
03/05/2007	 <u>60</u>	ORDER granting <u>55</u> Motion to Appoint Counsel as to Matthew Okonkwo and Motion for Appointment of Counsel, directing the Clerk of Court to make appropriate arrangements for a free transcript and for court-appointed counsel. Signed by Judge Myron H. Thompson on 3/5/2007. (ag,) (Entered: 03/05/2007)
03/05/2007	 <u>61</u>	ORDER granting <u>56</u> Motion to Withdraw as Attorney as to Matthew Okonkwo (1). Signed by Judge Myron H. Thompson on 3/5/2007. (ag,) (Entered: 03/05/2007)
03/05/2007		Attorney update in case as to Matthew Okonkwo Attorney Ben E. Bruner terminated pursuant to <u>61</u> Order. (ag,) (Entered: 03/05/2007)
03/19/2007		Attorney update in case as to Matthew Okonkwo. Attorney Russell Turner Duraski for Matthew Okonkwo added. (ydw,) (Entered: 03/27/2007)
03/20/2007	 <u>62</u>	TRANSCRIPT of Volume I of II, 1st day of Jury Trial Proceedings (PDF available for court use only) filed as to Matthew Okonkwo for dates of 10/31/2006 before Judge Myron H. Thompson, re <u>52</u> Notice of Appeal - Final Judgment. Court Reporter: Mitchell P. Reisner. (dmn) (Entered: 03/20/2007)
03/20/2007	 <u>63</u>	TRANSCRIPT of Volume II of II, 2nd day of Jury Trial Proceedings (PDF available for court use only) filed as to Matthew Okonkwo for dates of 10/31/2006 before Judge Myron H. Thompson, re <u>52</u> Notice of Appeal - Final Judgment. Court Reporter: Mitchell P. Reisner. (dmn) (Entered: 03/20/2007)

03/26/2007	<u>64</u>	TRANSCRIPT of Sentencing (PDF available for court use only) filed as to Matthew Okonkwo for dates of 1/18/2007 before Judge Myron H. Thompson, re <u>52</u> Notice of Appeal - Final Judgment. Court Reporter: Mitchell P. Reisner. (dmn) (Entered: 03/26/2007)
03/26/2007	<u>65</u>	CJA 24 as to Matthew Okonkwo: Authorization to Pay Mitchell Reisner \$ \$825.00 for 10/31/06 & 11/1/06 Jury Trial and 1/18/07 Sentencing Transcripts, . Signed by Judge Myron H. Thompson on 3/26/07. (ydw,) (Entered: 03/27/2007)
04/10/2007	<u>66</u>	Pro-Se MOTION to Allow defendant to submit form I-485 by Matthew Okonkwo. (Attachments: # <u>1</u>)(ag,) (Entered: 04/11/2007)
04/12/2007	<u>67</u>	ORDER as to Matthew Okonkwo, that the government show cause, if any there, in writing by April 26, 2007, as to why defendant's motion to allow him to submit form I-485 (Doc. No. <u>66</u>) should not be allowed . Signed by Judge Myron H. Thompson on 4/12/2007. (ag,) (Entered: 04/12/2007)
04/17/2007	<u>68</u>	PRO-SE MOTION for Retrial by Matthew Okonkwo. (ag,) (Entered: 04/17/2007)
04/18/2007	<u>69</u>	ORDER denying <u>68</u> Motion for New Trial as to Matthew Okonkwo (1). Signed by Judge Myron H. Thompson on 4/18/2007. (ag,) (Entered: 04/18/2007)
04/24/2007	<u>70</u>	RESPONSE to Motion by USA as to Matthew Okonkwo re <u>66</u> MOTION to Allow defendant to submit form I-485 (Schiff, Andrew) (Entered: 04/24/2007)
04/27/2007	<u>71</u>	ORDER as to Matthew Okonkwo (1)denying <u>66</u> Motion to Allow him to Submit Form I-485 . Signed by Judge Myron H. Thompson on 4/27/07. (snc) (Entered: 04/27/2007)
05/04/2007	<u>72</u>	Certificate of Readiness to US Court of Appeals re 07-10451-H, <u>52</u> Notice of Appeal - Final Judgment (ydw,) (Entered: 05/04/2007)
05/25/2007	<u>73</u>	Judgment Returned Executed as to Matthew Okonkwo defendant delivered to MCA at McRae, GA on 5/16/2007. (ag,) (Entered: 05/25/2007)
05/25/2007	<u>74</u>	Amended Judgment Returned Executed as to Matthew Okonkwo defendant delivered to MCA at McRae, GA on 5/16/2007. (ag,) (Entered: 05/25/2007)
05/29/2007	<u>75</u>	Request for Record on Appeal By USCA Eleventh Circuit re 07-10451-H, <u>52</u> Notice of Appeal - Final Judgment (ydw,) (Entered: 05/30/2007)
05/30/2007	<u>76</u>	Certified and Transmitted Record on Appeal as to Matthew Okonkwo to US Court of Appeals re 07-10451-HH, <u>52</u> Notice of Appeal - Final Judgment (ydw,) (Entered: 05/30/2007)
06/01/2007	<u>77</u>	Acknowledgement of Receipt of Record on Appeal from USCA re 07-10451-HH, <u>52</u> Notice of Appeal - Final Judgment (ydw,) (Entered: 06/01/2007)

		06/05/2007)
09/17/2007	 <u>74</u>	Per Curiam Opinion received from USCA Eleventh Circuit of Opinion Entered on 11th Circuit Appeal No. 07-10451-HH; After reviewing the record, we conclude that there was sufficient evidence to allow the jury to find that there was an agreement between adewunmi and Okonkwo to conspire to defraud the government, and that Okonkwo had the intent to do so as further set out in the order. AFFIRMING the District Court's decision. (ydw,) (Entered: 09/18/2007)
09/17/2007	 <u>75</u>	JUDGMENT of USCA ISSUED AS MANDATE 9/14/2007 (certified copy) as to Matthew Okonkwo re <u>52</u> Notice of Appeal - Final Judgment 11th Circuit Appeal No. 07-10451-HH; AFFIRMING the Dirtict Court decision. (ydw,) (Entered: 09/18/2007)
09/17/2007	 <u>76</u>	Appeal Record Returned as to Matthew Okonkwo: 07-10451-HH, <u>52</u> Notice of Appeal - Final Judgment(ydw,) (Entered: 09/18/2007)
09/25/2007	 <u>77</u>	ORDER, JUDGMENT, and DECREE of the court as to Matthew Okonkwo that the amended judgment of conviction and sentence pronounced upon defendant Matthew Okonkwo of 1/18/07, and entered on 2/6/07 (Doc. No. 53), is continued in full force and effect. Signed by Judge Myron H. Thompson on 9/25/2007. (ag,) (Entered: 09/25/2007)
10/03/2007	 <u>78</u>	Appeal (Sealed document) Returned from USCA as to Matthew Okonkwo: re: 07-10451-HH, [76] Appeal Record Returned (ydw,) (Entered: 10/03/2007)

UNITED STATES DISTRICT COURT

MIDDLE

District of

ALABAMA

UNITED STATES OF AMERICA

V.

MATTHEW OKONKWO

AMENDED JUDGMENT IN A CRIMINAL CASE

Case Number: 1:06cr101-01-MHT

(WO)

USM Number: 119926-002

Ben E. Bruner

Defendant's Attorney

Date of Original Judgment: 1/23/2007

(Or Date of Last Amended Judgment)

Reason for Amendment:

- ☐ Correction of Sentence on Remand (18 U.S.C. 3742(f)(1) and (2))
- ☐ Reduction of Sentence for Changed Circumstances (Fed. R. Crim. P. 35(b))
- ☐ Correction of Sentence by Sentencing Court (Fed. R. Crim. P. 35(a))
- ☒ Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36)

- ☐ Modification of Supervision Conditions (18 U.S.C. §§ 3563(c) or 3583(e))
- ☐ Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S.C. § 3582(c)(1))
- ☐ Modification of Imposed Term of Imprisonment for Retroactive Amendment(s) to the Sentencing Guidelines (18 U.S.C. § 3582(c)(2))
- ☐ Direct Motion to District Court Pursuant ☐ 28 U.S.C. § 2255 or ☐ 18 U.S.C. § 3559(c)(7)
- ☐ Modification of Restitution Order (18 U.S.C. § 3664)

THE DEFENDANT:

- ☐ pleaded guilty to count(s) _____
- ☐ pleaded nolo contendere to count(s) _____ which was accepted by the court.
- ☒ was found guilty on count(s) 1,2-12 of the Indictment on 11/1/06 after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. 371	Conspiracy to Defraud the United States	4/15/2000	1
26 U.S.C. 7206(2) & 18 U.S.C. 2	Filing a False Income Tax Return and Aiding and Abetting	1/24/2000	2


The defendant is sentenced as provided in pages 2 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) _____
- ☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

January 18, 2007

Date of Imposition of Judgment



Signature of Judge

MYRON H. THOMPSON, U.S. DISTRICT JUDGE

Name and Title of Judge

2/6/2007

Date

DEFENDANT: MATTHEW OKONKWO
CASE NUMBER: 1:06cr101-01-MHT

ADDITIONAL COUNTS OF CONVICTION

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
26 U.S.C. 7206(2) & 18 U.S.C. 2	Filing a False Income Tax Return and Aiding and Abetting	1/28/2000	3
26 U.S.C. 7206(2) & 18 U.S.C. 2	Filing a False Income Tax Return and Aiding and Abetting	*2/4/2000	4
26 U.S.C. 7206(2) & 18 U.S.C. 2	Filing a False Income Tax Return and Aiding and Abetting	2/6/2000	5
26 U.S.C. 7206(2) & 18 U.S.C. 2	Filing a False Income Tax Return and Aiding and Abetting	2/25/2000	6
26 U.S.C. 7206(2) & 18 U.S.C. 2	Filing a False Income Tax Return and Aiding and Abetting	3/3/2000	7
26 U.S.C. 7206(2) & 18 U.S.C. 2	Filing a False Income Tax Return and Aiding and Abetting	3/10/2000	8
26 U.S.C. 7206(2) & 18 U.S.C. 2	Filing a False Income Tax Return and Aiding and Abetting	3/17/2000	9
26 U.S.C. 7206(2) & 18 U.S.C. 2	Filing a False Income Tax Return and Aiding and Abetting	4/5/2000	10
26 U.S.C. 7206(2) & 18 U.S.C. 2	Filing a False Income Tax Return and Aiding and Abetting	4/7/2000	11
26 U.S.C. 7206(2) & 18 U.S.C. 2	Filing a False Income Tax Return and Aiding and Abetting	4/15/2000	12

AO 245C

(Rev. 06/05) Amended Judgment in a Criminal Case
Sheet 2 — Imprisonment

Case 1:06-cr-00101-MHT-CSC

Document 53

Filed 02/06/2007

Page 3 of 7

(NOTE: Identify Changes with Asterisks (*))

Judgment — Page 3 of 7

DEFENDANT: MATTHEW
CASE NUMBER: 1:06cr101-01-MHT

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term

24 Mos on each count to be served concurrently.

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____ with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____

DEPUTY UNITED STATES MARSHAL

DEFENDANT: MATTHEW OKONKWO
 CASE NUMBER: 1:06cr101-01-MHT

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of

3 Years. The term consist of three years on Count 1 and one year each on Counts 2 through 12, all such terms to run concurrently.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record, personal history, or characteristics and shall permit the probation officer to make such notifications and confirm the defendant's compliance with such notification requirement.

Case 1:06-cr-00101-MHT-CSC Document 53 Filed 02/06/2007 Page 5 of 7

AO 245C (Rev. 06/05) Amended Judgment in a Criminal Case
Sheet 3C — Supervised Release

(NOTE: Identify Changes with Asterisks (*))

Judgment—Page 5 of 7

DEFENDANT: MATTHEW OKONKWO
CASE NUMBER: 1:06cr101-01-MHT

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall provide the probation officer any requested financial information.
2. The defendant shall not obtain new credit without approval of the court unless in compliance with the payment schedule.
3. In light of the defendant's alleged illegal status, upon completion of the term of imprisonment, the defendant shall be remanded to the custody of the Bureau of Immigration and Customs Enforcement for deportation proceedings in accordance with the Immigration and Nationality Act. If deported (a) the term of supervision shall be non-reporting while he lives outside the United States (b) the defendant shall not illegally reenter the United States and (c) if the defendant should reenter the United States during the term of supervised release, he shall report to the nearest United States Probation Office within 72 hours of arrival.

DEFENDANT: MATTHEW OKONKWO
CASE NUMBER: 1:06cr101-01-MHT

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A ☒ Lump sum payment of \$ 57,203.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:
All criminal monetary penalty payments shall be made to the Clerk, United States District Court, Middle District of Alabama, Post Office Box 711, Montgomery, Alabama 36101. Any balance remaining of restitution at the start of supervision shall be paid at the rate not less than \$100 per month.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

UNITED STATES DISTRICT COURT

MIDDLE

District of

ALABAMA

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

MATTHEW OKONKWO

Case Number: 1:06cr101-MHT

(WO)

USM Number: 11926-002

Ben E. Bruner

Defendant's Attorney

THE DEFENDANT:

☐ pleaded guilty to count(s) _____

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

X was found guilty on count(s) 1, 2-12 of the Indictment on 11/1/06
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. 371	Conspiracy to Defraud the United States	4/15/2000	1
26 U.S.C. 7206(2) & 18 U.S.C. 2	Filing a False Income Tax Return and Aiding and Abetting	1/24/2000	2

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

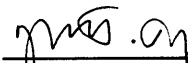
☐ The defendant has been found not guilty on count(s) _____

☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

January 18, 2006

Date of Imposition of Judgment



Signature of Judge

MYRON H. THOMPSON, U.S. DISTRICT JUDGE

Name and Title of Judge

1/23/2007

Date

DEFENDANT: MATTHEW OKONKWO
CASE NUMBER: 1:06cr101-MHT

ADDITIONAL COUNTS OF CONVICTION

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
26 U.S.C. 7206(2) & 18 U.S.C. 2	Filing a False Income Tax Return and Aiding and Abetting	1/28/2000	3
26 U.S.C. 7206(2) & 18 U.S.C. 2	Filing a False Income Tax Return and Aiding and Abetting	1/4/2000	4
26 U.S.C. 7206(2) & 18 U.S.C. 2	Filing a False Income Tax Return and Aiding and Abetting	2/6/2000	5
26 U.S.C. 7206(2) & 18 U.S.C. 2	Filing a False Income Tax Return and Aiding and Abetting	2/25/2000	6
26 U.S.C. 7206(2) & 18 U.S.C. 2	Filing a False Income Tax Return and Aiding and Abetting	3/3/2000	7
26 U.S.C. 7206(2) & 18 U.S.C. 2	Filing a False Income Tax Return and Aiding and Abetting	3/10/2000	8
26 U.S.C. 7206(2) & 18 U.S.C. 2	Filing a False Income Tax Return and Aiding and Abetting	3/17/2000	9
26 U.S.C. 7206(2) & 18 U.S.C. 2	Filing a False Income Tax Return and Aiding and Abetting	4/5/2000	10
26 U.S.C. 7206(2) & 18 U.S.C. 2	Filing a False Income Tax Return and Aiding and Abetting	4/7/2000	11
26 U.S.C. 7206(2) & 18 U.S.C. 2	Filing a False Income Tax Return and Aiding and Abetting	4/15/2000	12

DEFENDANT: MATTHEW OKONKWO
CASE NUMBER: 1:06cr101-MHT

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

24 Mos on each count to be served concurrently.

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: MATTHEW OKONKWO
CASE NUMBER: 1:06cr101-MHT

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

3 Years . The term consist of three years on Count 1 and one year each on Counts 2 through 12, all such terms to run concurrently.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall provide the probation officer any requested financial information.
2. The defendant shall not obtain new credit without approval of the court unless in compliance with the payment schedule.
3. In light of the defendant's alleged illegal status, upon completion of the term of imprisonment, the defendant shall be remanded to the custody of the Bureau of Immigration and Customs Enforcement for deportation proceedings in accordance with the Immigration and Nationality Act. If deported, (a) the term of supervision shall be non-reporting while he lives outside the United States; (b) the defendant shall not illegally reenter the United States; and (c) if the defendant should reenter the United States during the term of supervised release, he shall report to the nearest United States Probation Office within 72 hours of arrival.

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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 1,200	\$	\$ 56,003.00

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Internal Revenue Service		\$56,003.00	

TOTALS	\$	<u>0</u>	\$	<u>56003</u>
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☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 57,203.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:
All criminal monetary penalty payments shall be made to the Clerk, United States District Court, Middle District of Alabama, Post Office Box 711, Montgomery, Alabama 36101. Any balance remaining at the start of supervision shall be paid at a rate not less than \$100 per month.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.